IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE Mr.BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 5268 of 2005

Between:

Smt. K. Sangamitra Samuel, W/o Samuel
Raimanguda(V), Piegnapur (P) Gajwel, Medak District A.P.,

..... PETITIONER

AND

1. The State of Government of A.P., Department of Home, rep by Secretary, Secretariat, Hyderabad
2. The Station House Officer, P.S. Jeedimetla, Ranga Reddy District
3. The Assistant Commissioner of Police, Ranga Reddy District Basheerbagh, Hyderabad
4. Shri M. Ganesh, H. No. 5-6, Ranga nagar Colony, Opp Muthyala Apartments, Chintal, Ranga Reddy District.

5 Smt.Eshwari, W/o Ganesh, 5-6, Ranga Nagar Colony, Opp

Muthyala Apartments, Chintal, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Habeas Corpus to produce the baby Gayatri, aged 7 years before this Hon'ble Court as there is danger

to her life.

Counsel for the Petitioner:SMT.A.P.LAKSHMI

Counsel for the Respondent Nos.1 to 3: THE ADVOCATE GENERAL

Counsel for the Respondent Nos.4 and 5: None appeared.

The Court at the stage of admission made the following :

ORAL ORDER: (per the Hon'ble Acting Chief Justice)

This petition has been filed for seeking custody of a minor child by name Gayatri, who is an orphan, whose both parents have died.

The case of the petitioner is that respondents 4 and 5, who are the uncle and aunt respectively of the child, had themselves given the child to an orphanage and have now taken her back. We have recorded the statement of the child, who appears to be capable of understanding the questions and the consequences of her reply. She appears to be happy in the company of her uncle and aunt. She says that she is also going to school. Therefore, we do not want to interfere at this stage.

Accordingly, the writ petition is disposed of with a direction that respondents 4 and 5 shall not, in the meantime, alienate any properties belonging to the minor and shall take care of her health and education. In case anybody wants her custody or in case respondents 4 and 5 want to dispose of the property belonging to the child for the child's needs, they must approach the concerned District Court in accordance with law.

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BILAL NAZKI, ACJ

4TH April, 2005

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Dr.G.YETHIRAJULU, J

Tvr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The State of Government of A.P., Department of Home, rep by

Secretary, Secretariat, Hyderabad
2 The Station House Officer, P.S. Jeedimetla, Ranga Reddy District
3 The Assistant Commissioner of Police, Ranga Reddy District

Basheerbagh, Hyderabad

4 2 CCs to the Advocate General, High Court Buildings, Hyderabad.
5 2 CD copies